

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:18-cr-00143-MR-WCM**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**SHANE MCKINLEY SWIMMER,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Government's Motion to Seal [Doc. 63].

The Government moves the Court for leave to file under permanent seal its motion in limine and supporting exhibit, filed previously as Doc. 59 and Doc. 59-1, respectively. [Doc. 63]. For grounds, counsel states that the motion in limine [Doc. 59] references a report [Doc. 59-1] summarizing certain opinions by the defense expert regarding the Defendant's mental health and other related health conditions. [Doc. 63].


Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the

documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Government’s motion. The Government filed its motion on September 7, 2021, and such motion has been accessible to the public through the Court’s electronic case filing system since that time. Further, the Government has demonstrated that the subject motion and report contain sensitive information concerning the Defendant’s mental health and that the public’s right of access to such information is substantially outweighed by the Defendant’s competing interest in protecting the details of such information. See United States v. Harris, 890 F.3d 480, 492 (4th Cir. 2018). Finally, having considered less drastic alternatives to sealing the documents, the Court concludes that sealing of these documents is necessary to protect the Defendant’s privacy interests.

**IT IS, THEREFORE, ORDERED** that the Government’s Motion to Seal [Doc. 63] is **GRANTED**, and the Government’s motion in limine and supporting exhibit [Docs. 59, 59-1] shall be filed under seal and shall remain under seal until further Order of the Court.

**IT IS SO ORDERED.**

Signed: September 13, 2021

  
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Martin Reidinger  
Chief United States District Judge

